

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 03, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SAMANTHA ANN PROFITT, an individual,

Plaintiff,

vs.

DYLAN ISAAC PATTERSON, doing
business as THE WELLNESS
EDUCATION CENTER.

Defendant.

No. 2:21-cv-00074-MKD

ORDER DISMISSING CASE WITH PREJUDICE

ECF No. 20

Before the Court is Plaintiff's motion to voluntarily dismiss this action with prejudice, ECF No. 20. Plaintiff represents that the parties have reached a settlement agreement in this case. The Court has reviewed the motion and is fully informed.

IT IS ORDERED:

ORDER - 1

1. Pursuant to Fed. R. Civ. P. 41(a)(2),¹ Plaintiff's Motion to Dismiss
2 (ECF No. 20) is **GRANTED**. This case shall be **DISMISSED with**
3 **prejudice, and without an award of costs or fees.**

4 **IT IS SO ORDERED.** The District Court Executive is directed to enter this

5 Order, provide copies to counsel, and **CLOSE** the file.

6 DATED February 3, 2022.

7 *s/Mary K. Dimke*
8 MARY K. DIMKE
9 UNITED STATES DISTRICT JUDGE

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14 ¹ Plaintiff cites Fed. R. Civ. P. 41(a)(1)(B) in support of the motion. However, that
15 provision governs the effect of voluntary dismissals that do not require a court
16 order. A voluntary dismissal does not require a court order if the plaintiff files
17 notice of dismissal before the opposing party serves an answer or motion for
18 summary judgment or if a stipulation of dismissal is signed by all parties who have
19 appeared. Fed. R. Civ. P. 41(a)(1)(A). Neither circumstance applies in this case.
20 Here, it appears that Plaintiff's Motion for Dismissal is instead governed by Fed.
R. Civ. P. 41(a)(2). That Rule provides that, in circumstances other than those set
forth in Rule 41(a)(1), "an action may be dismissed at the plaintiff's request only
by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).
On January 27, 2022, the Court held a hearing in this matter in which the parties
jointly represented that a settlement had been reached, that paperwork finalizing
the settlement had been completed or was nearly completed, and that a motion to
dismiss the case would be filed within 30 days. The Court finds dismissal with
prejudice is proper in this case.